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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,175	09/12/2000	Mark Robert Sivik	7882X	6728
27752	7590 10/16/2003		EXAM	INER
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	TUAL PROPERTY DIVI ILL TECHNICAL CENT		ART UNIT	PAPER NUMBER
	ER HILL AVENUE		1751	·
CINCINNATI, OH 45224			DATE MAILED: 10/16/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) GP(80),175 SIVIK ET AL.							
### Examiner Brian P Mruk 1751 The MAILING DATE of this communication appears on the cover sheet with th correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		Application No.	Applicant(s)				
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Art Unit: 1751

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed July 25, 2003. Applicant has amended claims 1, 8, 9, 12-15 and 34. Claims 32, 33 and 35 have been cancelled. Claims 16-31 remain nonelected. Currently, claims 1-31 and 34 remain pending in the application.

The examiner notes that applicant's amendment lists claims 16-31 as being withdrawn in response to the restriction requirement. It appears to the examiner that applicant is attempting to cancel claims 16-31. Although claims 16-31 have not been formally canceled, the examiner suggests that applicant should formally cancel claims 16-31 (i.e. with the term canceled and not withdrawn) in their next response.

- 2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office action, Paper No. 9.
- 3. The objection of claims 8-10 is withdrawn in view of applicant's amendments and remarks.
- 4. The rejection of claims 9-10 under 35 U.S.C. 112, first paragraph, is withdrawn in view of applicant's amendments and remarks.

Application/Control Number: 09/660,175

Art Unit: 1751

- 5. The rejection of claims 9-10 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks.
- 6. The rejection of claims 1-3, 13-15 and 32-25 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hatton et al, GB 2,158,080 A, is withdrawn in view of applicant's amendments and remarks.
- 7. The rejection of claims 1-6 and 32-35 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Billenstein et al, DE 2,556,544, is withdrawn in view of applicant's amendments and remarks.
- 8. The rejection of claims 1-15 and 34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 19-23 of copending Application No. 09/660,363 is maintained for the reasons of record.

NEW GROUNDS OF REJECTION

Response to Amendment

9. The amendment filed July 25, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The newly added groups

Application/Control Number: 09/660,175

Art Unit: 1751

(iii)(b)-(ii)(d) and (iv)(b)-(iv)(c) for the variable R² in instant claim 1, and the newly added limitations in instant claims 12-14 are not supported by the instant specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 1-15 and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the examiner notes that the newly added groups (iii)(b)-(ii)(d) and (iv)(b)-(iv)(c) for the variable R² in instant claim 1, and the newly added limitations in instant claims 12-14 are not supported by the instant specification.

Response to Arguments

12. Applicant's arguments with respect to claims 1-31 and 34 have been considered but are most in view of the new ground(s) of rejection. Furthermore, the examiner

Page 5

Application/Control Number: 09/660,175

Art Unit: 1751

acknowledges that applicant stands ready to file a terminal disclaimer for copending Application No. 09/660,363 upon the indication of allowable subject matter

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Bl/M Brian Mruk October 14, 2003

Brian P. Mruk
Patent Examiner
Tech Center 1700